



# **ORDINANCE**

**Capitol Zoning District Commission  
Little Rock, Arkansas  
Adopted September 24, 1998  
Amended March 25, 1999**

## **ARTICLE ONE AUTHORITY - PURPOSE**

### **SECTION 1 - 101    TITLE**

The Capitol Zoning District Master Plan (composed of the Capitol Zoning District Ordinance, Framework Plans, Design Standards, Rehabilitation Standards, and General Standards) represents the legislation, intentions, design principles, and regulations of Act 267 of 1975. However, these regulations are the legally accountable component by which the regulatory aspects of the Master Plan are implemented. These regulations shall be known and may be cited as the Capitol Zoning District Ordinance.

### **SECTION 1 - 102    AUTHORITY**

A.     By Act 267 of 1975, the Seventieth General Assembly of the State of Arkansas created a Capitol Zoning District and a Capitol Zoning District Commission to supervise zoning within the district, to develop a Capitol Zoning District Master Plan and for other purposes.

B.     The Capitol Zoning District Master Plan is the official comprehensive plan for coordinating physical development in the two district areas, the Capitol Area and the Mansion Area. This plan has been adopted according to the provisions of the Arkansas Administrative Procedures Act by the Capitol Zoning District Commission and registered with the Secretary of State as the legal document which transmits Act 267 into applicable regulations and administrative actions. Any questions concerning the intent of the legislation or zoning regulations will be directed to this plan for clarification.

C.     Under Section 4 of Act 267, the Commission is authorized to coordinate its Master Plan with city, county, and other area planning agencies and to enter into agreements with the City of Little Rock providing for mutual cooperation and joint regulation with the district with respect to planning and zoning, permission to build upon or otherwise use land, enforcement of building, safety and health codes and inspection to assure compliance. Such agreements between the City of Little Rock, and the Commission may not cede the Commission's final authority over the matters entrusted to it by law.

D.     The Capitol Zoning District Commission has exclusive authority over the zoning and regulation of all property within the Capitol Zoning District and no subdivision of the state has any zoning or control authority except as agreed upon by the commission. Act 917 of 1979 expanded the Capitol Zoning District Commission's jurisdiction in the Mansion Area. Exempted from the above stated authority of the Capitol Zoning District Commission are properties owned by the state, and existing streets, alleys, utilities and/or the public right-of-way.

### **SECTION 1 - 103    PURPOSE**

The Capitol Zoning District Ordinance is an ordinance to establish special zoning regulations and design guidelines governing the development and use of land improvements within the Capitol Zoning District, Pulaski County, City of Little Rock, State of Arkansas, in accordance with the provisions of Act 287 of 1975, as amended and Act 917 of 1979; to provide for regulations and non-conforming uses and structures; to provide for the collection of fees; to provide for the administration and enforcement of the

provisions of this Ordinance; to provide penalties for the violation of this Ordinance; and to provide for conflicts and omissions with other ordinances and regulations.

#### **SECTION 1 - 104 SEVERABILITY**

If, for any reason, any one or more portions of this Ordinance is held invalid, such judgment shall not affect or invalidate the remaining provisions of this Ordinance, but shall be confined to that specific statement and in no instance shall affect or prejudice the validity of the remaining portions of this Ordinance.

## **ARTICLE TWO**

### **ADMINISTRATIVE RULES AND PROCEDURES**

#### **SECTION 2-101      ORGANIZATION**

The Capitol Zoning District shall be regulated by a Capitol Zoning District Commission as set forth in Act 267 of 1975, as amended. The Capitol Zoning District Commission shall meet monthly (although it may meet more or less often, as conditions dictate), as a planning commission, to hear matters concerning project proposals for major developments, requests for conditional use permits, requests for variances, requests for demolition or major modification of structures, requests for non-conforming use approval or renewal, appeals, summary reports on other requests, administrative matters, citizen communication, and other business as may come before the Commission.

#### **SECTION 2-102      ADMINISTRATION**

A.      The administration and enforcement of the provisions of this ordinance are the ultimate responsibility of the Capitol Zoning District Commission. The Capitol Zoning District Commission will enter into agreements with departments of the City of Little Rock relevant to the execution of this plan. However, nothing in this ordinance should be construed as divesting the Capitol Zoning District Commission of any right to regulate development within the Capitol Zoning District in the manner described herein.

B.      The Capitol Zoning District Commission shall consider the recommendations of all departments, boards and committees of the City of Little Rock related to the normal review and permit procedures of the city, in arriving at its decisions on development policy, procedures and daily administration. The Capitol Zoning District Commission shall also coordinate its agenda and business meetings with those of the City of Little Rock and its departments to facilitate prompt action on all applications where joint review by the City and the Capitol Zoning District Commission are required.

C.      The Capitol Zoning District Commission shall employ a director and staff to establish procedures for coordinating with the City of Little Rock and administration of this ordinance; to establish review procedures with the various commissions and departments of the state to promote coordination of state construction projects with the provisions of this ordinance; to establish priorities and methods for continuing the Capitol Zoning District Master Planning process; to explore new programs, approaches and funding sources for promoting development in the Capitol Zoning District; to prepare materials for consideration by the Capitol Zoning District Commission at its meetings; and to generally direct the day to day administration of the Capitol Zoning District Commission.

D.      The staff will review all projects within the District and make recommendations to the Commission on development projects and permit applications. In addition, continual research and planning will be carried on to encourage coordinated, sensitive growth in the Capitol Area and the preservation of the neighborhood character in the Mansion Area.

The Capitol Zoning District Director and staff shall have the authority to act on behalf of the Commission on certain permit applications and procedural matters to eliminate undue delay in the granting of permits which are in conformance with the provisions of this ordinance pursuant to guidelines adopted by the

Commission and revised from time to time. This comprehends, but is not limited to, any or all of the permits and matters described in Section 2-104 of this Ordinance (all of which shall be comprehended within the terms “permit” or “permits”), subject to the limitations set forth in said Section 2-104.

## **SECTION 2-103      ADVISORY COMMITTEES**

The Capitol Zoning District Commission shall establish two standing advisory committees, the Capitol Area Advisory Committee and the Mansion Area Advisory Committee (“Area Advisory Committees”), and one professional advisory committee, the Design Review Committee (“Design Review Committee”).

### **A.      MEMBERSHIP, TERMS AND OFFICERS**

1.      The Area Advisory Committees shall consist of at least nine (9) members, and Design Review Committee at least seven (7) members. The Capitol Zoning District Commission shall receive nominations from individuals, groups and organizations and shall appoint members with the concurrence of the committee majority. The commissioners shall be ex-officio members of each advisory committee.
2.      The committees members’ terms of office and qualifications shall be determined by the committee bylaws, which bylaws shall be approved by the Commission; however, the Advisory Committees, in prescribing the terms of office, shall endeavor to provide continuity by having the terms staggered. Members of the committees representing governments or organizations shall have terms conterminous with the terms of office within the governments or organizations they represent.
3.      Each Advisory Committee shall elect a chairperson and a vice-chairperson, whose terms of office shall be at least one year.
4.      The duties of the chairperson shall be to call and to conduct the meetings. The secretary shall furnish the commission with the records of meetings. Additional duties may be assigned to these offices and other offices created by the advisory committee bylaws.

### **B.      MEETINGS AND REPORTS**

The Area Advisory Committees shall meet at least once a year and shall report their findings to the Capitol Zoning District Commission at least once a year. Additional meetings will be held as often as necessary to monitor the impact of the Capitol Zoning District Ordinance on the development within the Capitol Zoning District. The Advisory Committee meetings shall be open to the public and shall be held locations that afford the maximum opportunity for community participation.

## **SECTION 2-104      APPLICATION**

A.      All applications for zoning, building permits, sign permits, and any other permit or license shall be made through the procedures established by the Capitol Zoning District Commission using application forms or other information-gathering devices drafted and revised from time to time by the Director. If the application requires special consideration by, or presentation to the Capitol Zoning District Commission, the applicant will be so notified and instructed as to the date at which the application is to be considered by

the Capitol Zoning District Commission.

B. No application for any permit or variance which has been denied by the Capitol Zoning District Commission will be accepted within one year of the date of denial.

C. Applications, reviews, fees, permits and other requirements called for by this Ordinance are in addition to and not in lieu of those required by the City of Little Rock (including the MacArthur Park Historic District). However, in areas where the Commission has chosen not to exercise its authority, such as platting and subdivision of property, the ordinances of the City of Little Rock are controlling.

## **SECTION 2-105 PERMIT APPROVAL PROCEDURE**

A. **PURPOSE** - The purpose of this section is to establish rules and procedures for applying for various permits within the Capitol Zoning District.

B. **CZDC - CITY OF LITTLE ROCK AGREEMENT**

Under a memorandum of agreement between the City of Little Rock and the Capitol Zoning District Commission dated November 7, 1977 and City of Little Rock Resolution Number 5,849, the City of Little Rock shall not issue the following permits for properties within the Capitol Zoning District without prior Capitol Zoning District Commission approval:

1. Building Permits
2. Sign Permits
3. Grounds Permits
4. Privilege Licenses
5. Demolition Permits
6. Certificates of Occupancy
7. Certificates of Compliance

All work performed within the Capitol Zoning District shall be in compliance with the Little Rock Code of Ordinances as it applies to construction, and may not be performed without a properly issued building permit.

The Capitol Zoning District Commission shall have sole authority for acting on and issuing Conditional Use Permits and Variances.

C. **PERMITS/TYPES** - The Capitol Zoning District Staff may be authorized to issue some or all of the following permits.

1. **Certificates of Appropriateness**
  - a. A Certificate of Appropriateness must be applied for and obtained prior to effecting any modification or addition to a structure, site or improvements within the District, minor or major (as defined herein). Ordinary maintenance (such as lawn mowing, shrub trimming, and re-painting) shall not be considered “modifications” at all.

- b. *Minor modifications* are those which do not alter the appearance of the structure, site or improvements; or involve only replacing or repairing existing elements (such as like-kind window replacements); or which call for a Grounds Permit for a vehicular use area located on, under or within a structure or which serve one or two family residences; or which call for a Sign Permit under the Design Standards of this ordinance; or which involve an accessory structure not visible from the public right of way. Installation of satellite dishes, antennas, and similar devices shall be considered minor modifications. Permits for minor modifications may be issued by the staff after a determination that such modifications are in compliance with the CZD Ordinance, Master Plan and Design Standards.
- c. All other modifications shall be considered *major modifications*. Major modifications requiring Commission review shall be reviewed by the Commission's Design Review Committee for appropriateness of the modification to the historical style of the structure and neighboring structures; compatibility with its architectural, historical or cultural significance and level of intactness; and its consistency with the goals of the Commission's Master Plan and Design Standards.

## 2. **Design Review Permits**

- a. A Design Review Permit shall be required for the erection of any new structure, including accessory structures, or site improvements, such as retaining walls, fences, ponds, gazebos, or pergolas, and shall be obtained prior to applying for a building permit. Movable items, such as furniture, shall not be considered structures or improvements.
- b. Prior to issuance of a Design Review Permit for a structure visible from the public right of way, the proposed construction shall be reviewed for its appropriateness in historical style in the context of adjoining or neighboring structures; and its consistency with the goals of the Commission's Master Plan and Design Standards by the Commission's Design Review Committee, which shall make a recommendation to the Commission.

## 3. **Demolition Permits**

- a. A Demolition Permit shall be required for the total or partial destruction of any structure, accessory structure or site improvement.
- b. Demolition Permits for all structures or site improvements within the Capitol Zoning District require approval of the Commission at a public hearing, except in the case of a structure that has been determined to be an imminent and irreparable hazard to public safety by a city official responsible for such determinations. Upon receiving proof of such a determination, staff may issue a demolition permit for the structure if it agrees that the structure is an imminent and irreparable hazard.

- c. In reviewing the application, the Commission shall consider the architectural, historical or cultural significance of the structure or improvement; the impact of its demolition on the character of the neighborhood and the District and on the goals of the Master Plan and Design Standards; the physical and economic possibilities for its rehabilitation, taking into account the source of any alleged deterioration in the condition of the structure or improvement, i.e., whether the condition was caused or contributed to by neglect; and the results of any design review for proposed replacement structures or improvements, conducted by the Design Review Committee under the preceding section.

4. **Conditional Use Permits** - The Commission may grant Conditional Use Permits to permit a use of land not permitted by right under the zoning applicable thereto, provided that the conditional use in question is permitted for that land under the Master Plan.

5. **Variances** - The Commission may sit as a board of zoning adjustment and, as such, may grant relief from the literal provisions of this Ordinance or Master Plan when it is demonstrated to the Commission's satisfaction that (i) physical or topographical conditions unique to the land, which were not created or intensified by the applicant or a previous owner, cause an extreme hardship if the literal requirements of the ordinance are imposed upon the land's development, as contemplated by Arkansas statutes; (ii) the variance will further the goals of the District; (iii) the result of the variance will be consistent with the Master Plan; and (iv) may, in applicable instances, contribute to the preservation of an existing structure.

6. **Certificates of Compliance** - Certificates of Compliance may be issued by the Capitol Zoning District Commission staff certifying that any minor modification, proposed land use, or other development has been reviewed under the applicable provisions of this ordinance and is in compliance with (or not subject to) the requirements of this ordinance; the Design Standards; or the Master Plan, as applicable.

7. **Special or Temporary Use Permit**

a. General

A special or temporary use permit may be issued to permit an applicant to undertake an activity within the Capitol Zoning District that otherwise is prohibited by the provisions of this ordinance. The permit may require special action by the Capitol Zoning District Commission or may be issued at staff level, depending on the proposal.

b. Application

The person or organization seeking a Special or Temporary Use Permit shall submit an application to the Capitol Zoning District Staff stating in the application the intended use, activity, operation or undertaking; the dates on which it would be initiated and terminated; location; name of the sponsoring entity, organization or individual; and a description of the use or activity including hours of operation and



anticipated effect on surrounding properties. All other provisions of this ordinance with respect to the application process are applicable.

c. Standards

In carrying out the purpose of this section, the Staff shall be influenced by the following standards, and the appropriateness of these standards shall be determined at the discretion of the Staff for each specific Special or Temporary Use location.

- 1) The proposed use or activity is so designated, located and proposed to be operated in such a manner that the public health, safety and welfare will be protected.
- 2) The proposed use or activity is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- 3) The proposed use or activity would not exceed seven (7) days in duration.
- 4) All requirements of other public agencies would be met.

d. Permit

The Capitol Zoning District Staff shall review the application and issue the permit if the Staff determines that all standards will be met. If all standards will not be met, the permit application shall be placed on the docket for the next regular Capitol Zoning District Commission hearing.

e. Home Occupations

Home Occupations shall be defined as any use customarily conducted entirely within a dwelling or an accessory building and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling nor the neighborhood; and in connection with which, there is no display, no stock-in-trade, no outside storage of equipment, no commodity sold upon the premises and no sign. There shall be not more than three (3) persons engaged in such an occupation, at least one (1) of which must be the occupant of the dwelling.

Home Occupations shall require a special use permit from the Commission, but are allowed within the Capitol Zoning District, provided that the character of the dwelling and of the neighborhood is not adversely affected by the use of the dwelling unit and provided that the use is in compliance with the provisions of this section.

The Capitol Zoning District Commission shall have final authority in determining the particular uses that may be defined as Home Occupations, and which are entitled to a permit under the preceding paragraph.

8. **Certificate of Occupancy** - A certification that work done pursuant to a Commission permit has been done in conformity with that permit, which certification must be obtained prior to application for a certificate of occupancy issued by the City of Little Rock.

As noted, permits in categories 1(b), 1(c), 2, 3, 7 and 8 may be issued by the Staff under general guidelines adopted by the Commission. Permits in categories 4 and 5 shall be issued at the specific direction of the Commission after a public hearing in each instance, although the Commission may delegate to the Staff the drafting of such permits (including modifications and extensions) without additional review by the Commission. However, applicants may by letter request a review by the Commission of the denial of a permit by the Staff as inconsistent with the Commission's guidelines.

The Commission may require that evidence of any permit be posted and maintained on the affected property on a form approved by the Commission. Unless extended after timely application, permits shall expire one (1) year after issuance if work is not commenced and diligently pursued within that time period.

#### D. APPLICATION REVIEW PROCEDURES

The following procedures shall be followed in the consideration of any permit requiring a public hearing under this ordinance:

1) Application

- a) The applicant shall file an application form and any additional information as specified in the Capitol Zoning District Application Procedures.
- b) The Capitol Zoning District staff shall review the application and shall schedule a public hearing at the next regular meeting of the Capitol Zoning District Commission.
- c) After filing the application, the applicant shall legally notify adjacent property owners as follows:
  - (i) The Capitol Zoning District Commission shall consider a request for such a permit after the applicant has given not less than ten (10) calendar days written notice of the time, place and the date of the public hearing to all owners of record of property situated within 200 feet of the property for which the permit is requested. The notice shall be sent by certified mail to the last known address of such recorded owners(s). The applicant shall file an affidavit showing compliance with this requirement.

The affidavit shall have attached to it official evidence that states that the notices have been mailed as required.

- (ii) The affidavit required and the supporting exhibits required by the Commission's application procedures shall be filed with the Capitol Zoning District Staff no later than six (6) calendar days prior to the hearing date.

- (iii) The applicant shall post the sign furnished at the time of filing at the front of the property so that it can be seen from the street, at least ten (10) calendar days before the hearing. If for any reason the sign should be destroyed or torn down, a replacement may be obtained from the Capitol Zoning District Office.
- (iv) The applicant or a representative of the applicant is required to be present at the hearing in order to answer any questions that the Commission or interested parties may have.
- (v) Non-compliance with the process described above may cause an application to be withheld and not considered at the appointed hearing time and may require the re-filing of the application and the re-notification of property owners.

## 2) Staff Report

In preparation for the hearing, a report by the Staff shall be prepared and submitted to the Commission recommending approval or denial of the permit. The Commission shall consider the staff report along with other evidence presented at the hearing. The Commission shall not be bound by the recommendations of the report.

## 3) Public Hearing and Decision

The Commissioners shall consider the application and base their decision upon the report of the Staff, the Design Review Committee, advice from Advisory Committees, and the evidence presented by the Applicants and other interested parties at the public hearing.

# **SECTION 2-106 DEMOLITION BY NEGLECT**

A. In the event the Commission determines that a building or other improvement is being “demolished by neglect,” it shall notify the owner of this preliminary finding, stating the reasons therefore, and shall give the owner thirty (30) days from the date of notice in which to commence work rectifying the specifics provided by the Commission. Such notice shall be accomplished in the following manner; (1) by certified mailing to the last known address of owner; or (2) in the event the procedure outlined in (1) above is not successful, then such notice shall be attached to the building or improvements twice within a week.

B. Upon owner’s failing to commence work, the Commission shall notify the owner in the manner provided above to appear at the next public hearing of the Commission. The Commission’s staff or representative shall present to the Commission at said public hearing the reasons for the notice, and owner shall have the right to present any rebuttal thereto. If, thereafter, the Commission shall determine that the building or improvement is being “demolished by neglect,” and no efforts made to preserve it, the Commission may seek a court order compelling corrective action, with its costs to constitute a lien against the

property.

C. Demolition by neglect shall be defined as neglect in the maintenance of any building or improvements resulting in any one or more of the following: (1) the deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the City of Little Rock Code Enforcement Office. (2) The deterioration of a building(s) characterized by one or more of the following: (a) Those buildings which have parts thereof which are so attached that they may fall and injure members of the public or property. (b) Deteriorated floor supports or floor supports insufficient to carry imposed loads with safety. (d) Members of walls, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration. (e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety. (f) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration. (g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety. (h) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration. (i) Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight. (3) Action by the City or Fire Marshall relative to the safety or physical condition of any person.

## **SECTION 2 - 107 NON-CONFORMING USES OF LAND AND STRUCTURES**

### **A. PURPOSE**

The purpose of this section is to establish regulations and limitations on the existence of uses and structures which were established prior to the effective date of this ordinance and which do not conform to the provisions of this ordinance. Such non-conformities may continue, but the provisions of this section are designed to curtail enlargement or expansions of such non-conformities and to encourage their eventual elimination, in order to preserve the integrity of the Capitol Zoning District and the regulations established by this ordinance.

### **B. USES OF LAND**

#### **1. Authority to Continue**

Any lawfully existing non-conforming use of part or all of a structure, or any lawfully existing non-conforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise in conformance with the provisions of this section.

#### **2. Ordinary Repair and Maintenance**

Normal maintenance and incidental repairs or replacement, and installation or relocation of walls, partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use; provided, however, that this shall not be deemed to authorize any violation of the other subsections of this article.

#### **3. Addition or Extension**

A non-conforming use of land shall not be extended, expanded, enlarged or increased.

Such activity shall include, but shall not be limited to:

- a. Extension of such use to any structure or land area other than that occupied by such non-conforming use on the effective date of this ordinance, or any amendment hereto which causes such use to become non-conforming.
- b. Extension of such uses within a building or other structure or any portion of the floor area that was not occupied by such non-conforming use on the effective date of this ordinance, or an amendment hereto which causes such to become non-conforming.

4. Relocations

No structure that is devoted in whole or in part to a non-conforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zone in which such structure and use are located after being so relocated. No non-conforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zone in which such use of land is located after being so relocated.

5. Change in Use

Existing lawful use of land which does not conform to the provisions of this ordinance at the date of adoption, may continue.

In no case shall a change from one non-conforming use group to another non-conforming use group, or change from one use to another within the same use group be allowed nor permitted by the Capitol Zoning District Commission.

6. Abandonment or Discontinuance

When a non-conforming use of land or a non-conforming use of part or all of a structure is discontinued or abandoned for a period of 180 consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zone in which such land or structure is located.

**C. STRUCTURES**

1. Authority to Continue

Any non-conforming structure which is devoted to a use which is permitted in the zone in which such structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

2. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a non-conforming use or which is not in conformance with the CZD Design Guidelines is destroyed by fire, explosion or other casualty, or the public enemy, to the extent of more than fifty percent (50%) of the current replacement value immediately prior to such damage, such structure and use thereof shall thereafter conform to all regulations of the zone in which such structure and use are located. When such damage or destruction is fifty percent (50%) or less of the reasonable replacement value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction; provided that such repair or reconstruction is commenced within six (6) months and completed within twelve (12) months of the date of such damage or destruction. In extenuating circumstances, the Capitol Zoning District Commission may grant an extension of that time period.

3. Relocation

No non-conforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zone in which such structure is located after being relocated.

4. Structural Alterations

A non-conforming building shall be structurally added to, reconstructed or extended only under the following conditions:

- a. The use to which said building is put conforms to the zone in which it is located.
- b. Any accessory building located on the lot conforms to all requirements of the Capitol Zoning District Commission and the Little Rock Building Code.
- c. The total lot area occupied by a building after the erection, conversion, reconstruction or structural alteration and the lot area occupied by existing encroachments, extensions or the projections into a required yard space shall not exceed the total area allowed by this ordinance for new construction.
- d. No part of the existing non-conforming building shall encroach, extend or project into more than forty percent (40%) of any one side yard distance required by this article.
- e. No part of the existing non-conforming building shall encroach, extend or project into more than thirty percent (30%) of either the front or rear yard distance required by this article.
- f. No part of the existing non-conforming building shall encroach, extend or project into more than one yard (front, side or rear) space distance required by this article.

- g. All erection, conversion, reconstruction or structural alteration shall fully conform to the yard space and all other applicable provisions of this article required for new construction.

## **SECTION 2 - 108 APPEALS**

Any person aggrieved by actions as a result of the Capitol Zoning District Master Plan or by actions of the Capitol Zoning District Commission Staff in the administration of this ordinance, may appeal within a reasonable time such action to the Capitol Zoning District Commission for reconsideration. Such appeal shall be made by filing with the Capitol Zoning District Commission a notice of appeal specifying the grounds thereof. All the papers constituting the record upon which the action appealed from is taken shall be provided by the Capitol Zoning District Commission. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Capitol Zoning District Commission determines that, on the basis of available facts, a stay would cause peril to life or property.

The Capitol Zoning District Commission shall fix a reasonable time for the hearing of the appeal, give due notice to the interested parties, and decide the same within a reasonable time.

Appeal of any decision of the Capitol Zoning District Commission after such consideration made by the Capitol Zoning District Commission as stated above, shall be made to the Circuit Court of Pulaski County as set forth in Arkansas Act 267 of 1975, Section 7, and under the procedures established by the Arkansas Administrative Procedures Act.

## **SECTION 2 - 109 AMENDMENTS TO THE CAPITOL ZONING DISTRICT MASTER PLAN AND ORDINANCE**

- A. Amendments to the Capitol Zoning District Master Plan and the Capitol Zoning District Ordinance shall require compliance with the Arkansas Administrative Procedures Act (Act 434 of 1967, as amended).
- B. The following actions in addition to others shall be construed as amendments to the Capitol Zoning District Master Plan and Capitol Zoning District Ordinance:
  - 1. Permitting a use within a zone of the Capitol Zoning District Commission which has not been identified as a permitted or conditional use within said zone.
  - 2. Permitting a height variance within the Capitol Area.
  - 3. Changing a use from one use group to another.

## **SECTION 2 - 110 RELATION TO CITY OF LITTLE ROCK CODE OF ORDINANCES**

The provisions of this ordinance supersede all provisions of the city of Little Rock Code of Ordinances. However, unless specifically dealt with as provisions of this ordinance, all other regulations, requirements and codes of the city of Little Rock shall continue to be in force in the Capitol Zoning District and are adopted by reference as a part of this ordinance.